

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MONTY MARCH, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

REAL ESTATE BOARD OF NEW YORK, et
al.,

Defendants.

X

Case No. 1:23-cv-09995-JGLC-RWL

**STIPULATION AND [PROPOSED]
ORDER TO STAY PROCEEDINGS AS
TO KELLER WILLIAMS NYC, LLC**

Plaintiff Monty March and Defendant Keller Williams NYC, LLC (“KWNYC” or “Defendant”), by and through their respective attorneys, (collectively, the “Moving Parties”) hereby respectfully move this Court for an Order temporarily staying all deadlines in this proceeding as to KWNYC pending a decision on final approval of a proposed nationwide settlement in *Moehrl v. National Association of Realtors, et al.*, Case No. 1:19-cv-01610-ARW (N.D. Ill.) (“*Moehrl*”), and *Burnett v. National Association of Realtors, et al.*, Case No. 19-CV-00332-SRB (W.D. Mo.) (“*Burnett*”). See Exhibit A.¹ A similar stay was requested by Defendant RE/MAX, LLC, Coldwell Banker LLC, The Corcoran Group, Inc., and Sotheby’s International Realty Affiliates LLC. This Court granted the request. ECF No. 133.

In support of their request, the Moving Parties state as follows:

1. Keller Williams Realty, Inc. has reached an agreement with plaintiffs in the *Moehrl*

¹ Exhibit “A” contains a true and accurate copy of District Judge Steven R. Bough Order of Preliminary Approval.

and *Burnett* actions that purport to settle all claims asserted or that could be asserted against Keller Williams Realty, Inc. and its franchisees and affiliates such as KWNYS regarding a proposed nationwide class of home sellers;

2. A Motion for Preliminary Approval of the *Burnett* and *Moehrl* actions was filed in the United States District Court for the Western District of Missouri on February 1, 2024 (*Burnett* ECF No. 1371), and was granted on February 2, 2024 (“Order”) (*Burnett* ECF No. 1372);

3. Paragraph 20 of the Order enjoins the filing, commencement, prosecution, intervention or pursuit by a plaintiff or class member of any claims against Keller Williams Realty, Inc. and accordingly KWNYS that arise from or relate to conduct that was alleged or could have been alleged in that action based upon the same factual predicate. *Id.*

4. Counsel for KWNYS has met and conferred with counsel for Plaintiff regarding the impact of the *Burnett* and *Moehrl* settlements on this matter. Counsel agree that a stay of all current case deadlines and staying proceedings as to KWNYS pending a decision on final approval of the *Moehrl* and *Burnett* settlements is appropriate and serves the interests of justice. It is expected that the *Moehrl* and *Burnett* settlements may be finalized by May of 2024. Plaintiff’s entry into this Stipulation does not constitute an admission concerning the applicability of the Order or the proposed settlements to this action and Plaintiff reserves all rights; and

5. The Court previously entered a stay in these proceedings pursuant to that certain Order Granting the Parties Joint Motion for a Stay of Proceedings pending the ruling by the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and consolidate and which Order fixed related reporting and briefing deadlines [ECF No. 157] (“Existing Stay”). As of this date of the filing of this Stipulation, the JPML has set March 28, 2024, for oral argument on the consolidation and transfer motion.

6. The Moving Parties file this proposed Stipulation and motion in good faith and not to needlessly delay this case.

NOW, THEREFORE, the Moving Parties respectfully request that the Court temporarily stay this action as to KWNYS and vacate all forthcoming deadlines including those set forth in the Stay Order as to KWYNC pending a decision on final approval of the *Moehrl* and *Burnett* settlements.

/s/ Michael Buchman

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Attorneys for Plaintiff Monty March

Attorneys for Keller Williams, NYC, LLC

Dated: March , 2024

SO ORDERED:

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2024 I caused a true and correct copy of the foregoing to be served on all counsel of record via the Court's electronic filing system.

Dated: March 22, 2024

/s/ Eric S. Medina
Eric S. Medina